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Judicial

1. I believe a judge of the State of Illinois has committed misconduct, where do I register a complaint?

You may register a complaint to the:
JUDICIAL INQUIRY BOARD
160 N. LaSalle - Suite 1401
Chicago, Illinois 60601
Tel. 312/793-5554

2. What is the JUDICIAL INQUIRY BOARD?

It is a Constitutional agency created in 1971 to investigate and prosecute allegations of judicial misconduct or incapacity. It is composed of four public members, three lawyers and two judges who review all complaints and determine what investigation is appropriate and which matters will be prosecuted before the Courts Commission.

3. Must I fill out forms to register my complaint?

It is preferred you write a letter with a brief statement of your complaint. If more information is needed, you will be contacted. If you are unable to write, your complaint will be accepted in person at the Board office or over the telephone.

4. What is judicial misconduct?

Judicial misconduct is any violation of the prevailing standards of judicial conduct, which includes impropriety and the appearance of impropriety.

Conduct

5. Are all complaints investigated?

All complaints that allege judicial misconduct are investigated. Complaints that seek intervention in on-going litigation or the review of judicial decisions are beyond the authority of the Board to investigate.

6. Is my complaint confidential?

Your complaint remains confidential until the Board, after an investigation, publicly charges the judge with misconduct. In that event, the complaint becomes public as would your testimony if you were to be a witness at the public hearing.

7. If the Board does not take action on my complaint, what happens to it?

It is retained in the files of the Board for future reference should subsequent complaints of the same nature be made against the same judge. It might then be re-instituted to determine if a pattern of misconduct is developing.

8. Who decides whether or not a judge has committed misconduct?

The five judges of the Courts Commission hear the evidence at a public hearing and decide whether charges against a judge have been proven and if so, whether he should be reprimanded, censured, suspended without pay or removed from office.



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In Illinois

9. Have any Illinois judges been disciplined?

The four types of punishment noted in Paragraph 8 have been repeatedly imposed in Illinois. Additionally, judges have resigned from office during investigations and before any public hearings.

10. How long does it take to resolve a complaint of judicial misconduct?

It may take many months for ultimate disposition of a case depending upon the complexity of the matter.

11. Can I get a judge off my case if I make a complaint against him?

No. There are statutory provisions for litigants to seek a substitution of judge or a change of venue. The judicial misconduct system is not a substitute for those provisions.

12. Should I delay my appeal until my complaint of judicial misconduct is disposed of?

No. You must proceed with whatever remedy is available to you within the court system to correct any judicial errors you believe were committed in your case. Your complaint of judicial misconduct is a matter totally independent of your litigation.

CONSTITUTIONAL

The authority of the Judicial Inquiry Board is derived from the 1970 Illinois Constitution, Article VI, Section 15, the applicable provisions of which are:

"(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

"(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

AUTHORITY

"(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

"(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his duties.

"(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

"(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission."

This informational brochure was prepared by the JUDICIAL INQUIRY BOARD of the STATE OF ILLINOIS.

Robert P. Cummins, Chairman